

UNITED STATES DISTRICT COURT SOUTHERN  
DISTRICT OF NEW YORK

..... x  
THE CITY OF NEW YORK,

Plaintiff,

-against-

Civil Action No. 24-05161

ENVIROMD GROUP LLC; GT IMPORTS; KAYLA  
WHOLESALE, INC., d/b/a The Vapery; KLCC  
WHOLESALE INC.; PIONEER DISTRIBUTION, INC.  
a/k/a WEVAPEUSA.COM a/k/a SELLER SUPREME  
LLC; RZ SMOKE INC.; STAR ZONE INC.; URBAN  
SMOKE DISTRIBUTORS; VAPE MORE INC. a/k/a  
MORE LLC; VAPE PLUS DISTRIBUTION CORP.  
a/k/a G&A DISTRIBUTION; DAVID ALFIH a/k/a  
David Alfieh, a/k/a DJ Alfani, and MARCUS  
BERNARD,

**NOTICE OF MOTION  
of KAYLA  
WHOLESALE, INC.**

Defendants.  
..... x

PLEASE TAKE NOTICE, that upon the annexed Memorandum of Law in Support, dated September 27, 2024, upon co-defendant's consolidated Memorandum(s) of Law, and upon all the pleadings and proceedings heretofore had herein, Defendant Kayla Wholesale, Inc. d/b/a The Vapery will and hereby move this Court, located at 500 Pearl Street, Room 2260, New York NY 10007, for dismissal of Plaintiff's claims contained in its Second Amended Complaint for violation of the Prevent All Cigarette Trafficking Act (the "PACT Act," 15 U.S.C. § 375 et seq.), violation of N.Y. Public Health Law § 1399-ll, violation of N.Y.C. Administrative Code § 17-715(b)(1), and "public nuisance," and for such other and further relief as this Court deems just and proper. The Moving Defendants seek dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.

Dated: New York, New York  
September 27, 2024

**THE LINDEN LAW GROUP, P.C.**

*Jeffrey Benjamin*

*Attorneys for Defendant KAYLA WHOLESale, INC.*  
250 Park Avenue, 7<sup>th</sup> Floor  
New York, New York 10177  
(212) 655-9536